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October 11, 2004

**RECEIVED**

OCT 12 2004

Federal Communications Commission  
Office of Secretary

**ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554

Re: *In the Matter of Unbundled Access to Network Elements*, WC Docket No. 04-313; *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket No. 01-338  
Access to Confidential Materials – Supplemental Request

Dear Ms. Dortch:

Pursuant to the Protective Order adopted in the above-referenced proceedings,<sup>1</sup> the Loop and Transport CLEC Coalition (comprised of Advanced Telecom, Inc., Birch Telecom, Inc., Broadview Networks, Inc., Eschelon Telecom, Inc., Grande Communications, Inc., KMC Telecom, Inc., SNiP LiNK, LLC, Talk America Inc., Xspedius Management Co. LLC, and XO Communications Inc.) hereby submits the attached copies of the Acknowledgements of Confidentiality (Appendix B to the Protective Order) signed by the following (the "Signatories"):

- Alaine Miller, VP Regulatory and Public Policy, XO Communications; and
- Heather Gold, Senior VP Government Relations, XO Communications.

<sup>1</sup> *Unbundled Access to Network Elements*, Protective Order, 19 FCC Rcd 16292 at Appendix A (2004) ("Protective Order").

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KELLEY DRYE & WARREN LLP

Marlene H. Dortch, Secretary  
October 11, 2004  
Page Two

The Loop and Transport CLEC Coalition seeks access to confidential versions of documents filed in the above-referenced proceedings by BellSouth Corp., Qwest Communications International, Inc., SBC Communications Inc., the Verizon Telephone Companies, MCI, AT&T, and United States Telecom Association (the "Parties"), as well as all their respective affiliates and subsidiaries. All of the Signatories fall within the "Permissible Disclosure" categories described in paragraph 5 of the Protective Order.

As stated in the attached certificate of service, counsel for each party has been served, via Hand Delivery, with a copy of this letter and the executed Acknowledgements of Confidentiality.

Due to the brief interval between the filing of comments and reply comments in this proceeding, The Loop and Transport CLEC Coalition requests that this letter toll the three business day waiting period established in paragraph 8 of the Protective Order so that the Signatories can have immediate access to the confidential material, if any, filed by the Parties. Any delay in the ability to review such confidential material would prejudice The Loop and Transport CLEC Coalition's ability to file timely reply comments.

In accordance with the Commission's rules, this letter is being provided to you for inclusion in the public record of the above-referenced proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephanie A. Joyce", written over a horizontal line.

Stephanie A. Joyce, Esq.

Attachments – Acknowledgements of Confidentiality

cc: Attached Service List

## APPENDIX B

Acknowledgment of Confidentiality

CC Docket No. 01-338 &amp; WC Docket No. 04-313

I hereby acknowledge that I have received and read a copy of the Protective Order in the above-captioned proceeding, and I understand it. I agree that I am bound by the Protective Order and that I shall not disclose or use Stamped Confidential Documents or Confidential Information except as allowed by the Protective Order. I acknowledge that a violation of the Protective Order is a violation of an order of the Federal Communications Commission.

Without limiting the foregoing, to the extent that I have any employment, affiliation or role with any person or entity other than a conventional private law firm (such as, but not limited to, a lobbying or public interest organization), I acknowledge specifically that my access to any information obtained as a result of the order is due solely to my capacity as Counsel or consultant to a party or other person described in paragraph 5 of the foregoing Protective Order and that I will not use such information in any other capacity nor will I disclose such information except as specifically provided in the Protective Order.

I hereby certify that I am not involved in "competitive decision-making" as that term is used in the definition of In-House Counsel in paragraph 2 of the Protective Order.

I acknowledge that it is my obligation to ensure that: (1) Stamped Confidential Documents and Confidential Information are used only as provided in the Protective Order; and (2) Stamped Confidential Documents are not duplicated except as specifically permitted by the terms of paragraph 10 of the Protective Order. I certify that I have verified that there are in place procedures, at my firm or office, to prevent unauthorized disclosure of Stamped Confidential Documents or Confidential Information.

Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Protective Order.

Executed at Reston, VA this      day of October 2004



Heather Gold  
Senior Vice President,  
Governmental Relations  
XO Communications, Inc.  
11111 Sunset Hills Road  
Reston, VA 20190

**Federal Communications Commission****DA 04-3152****APPENDIX B****Acknowledgment of Confidentiality****CC Docket No. 01-338 & WC Docket No. 04-313**

I hereby acknowledge that I have received and read a copy of the Protective Order in the above-captioned proceeding, and I understand it. I agree that I am bound by the Protective Order and that I shall not disclose or use Stamped Confidential Documents or Confidential Information except as allowed by the Protective Order. I acknowledge that a violation of the Protective Order is a violation of an order of the Federal Communications Commission.

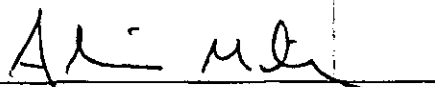
Without limiting the foregoing, to the extent that I have any employment, affiliation or role with any person or entity other than a conventional private law firm (such as, but not limited to, a lobbying or public interest organization), I acknowledge specifically that my access to any information obtained as a result of the order is due solely to my capacity as Counsel or consultant to a party or other person described in paragraph 5 of the foregoing Protective Order and that I will not use such information in any other capacity nor will I disclose such information except as specifically provided in the Protective Order.

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Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Protective Order.

Executed at Seattle, WA this 7<sup>th</sup> day of October, 2004



Elaine Miller  
Vice President, Regulatory and Public Policy  
XO Communications, Inc.  
1633 Westlake Ave. North  
Seattle, WA 98109  
206-315-6358

## CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on this 11<sup>th</sup> day of October, 2004, I caused to be served a true and correct copy of the foregoing letter and Acknowledgements of Confidentiality by First Class Mail, Hand Delivery\* and Electronic Mail\*\* to the following:

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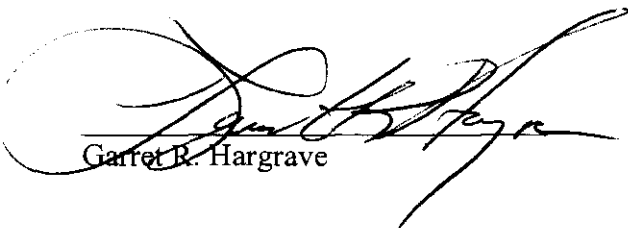
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